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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,444	07/12/2001	Bruce Everett Randall	2001P11673US	9718
7590	05/04/2004		EXAMINER	
Harold C. Moore Maginot, Addison & Moore Bank One Center/Tower 111 Monument Circle, Suite 3000 Indianapolis, IN 46204-5115			KIM, PAUL L	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/904,444	RANDALL ET AL.
	Examiner	Art Unit
	Paul L Kim	2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 17-22 is/are allowed.
- 6) Claim(s) 1-7 and 9-16 is/are rejected.
- 7) Claim(s) 8 and 17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. Claims 8 and 17 are objected to because of the following informalities: In line 2 of claim 8, "a output" should be –an output--. In the preamble of claim 17, "perform obtain data" should be – performing *obtaining* data --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-12 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 10-12 are confusing and ambiguous. For example, claim 10 discloses that *step C further comprises generating clock information based on the precision time signal when the power line timing is unavailable*. However, step D of claim 9 discloses the power line timing being *available*. In other words it seems as if the combination of claims 9 and 10 discloses both the power-timing signal being available and unavailable at the same time. The claim would be made clearer if the phrase "step c) further comprises" is deleted.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7, 9, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kihara et al.

With regard to claims 1 and 9, Kihara et al teaches an apparatus for generating clock information comprising: a source of power line timing information, a source of externally-generated precision time information, and a timing circuit coupled to the source of precision time information to receive a precision time signal, the timing circuit operable to generate clock information based on the precision time signal, the timing circuit further operable to generate clock information based on the power line timing information (col. 4, lines 20-28).

With regard to claims 7 and 16, Kihara et al teaches the timing circuit generating clock information based on a source of clocking signals (fig. 2, part 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihara et al.

Kihara et al does not specify generating clock signals by power line information or externally generated timing signals alone. However, it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184 (CCPA 1963). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kihara et al, so that timing information is generated by a power line signal or an externally generated signal alone, so as to derive the benefit of improved system reliability should one of the two signal sources not be available.

8. Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihara et al in view of Gotal et al.

Kihara et al does not specify the power line timing information including a pulse signal derived from zero crossings of a power line signal. Gotal et al teaches a method of deriving timing signals from a power line that comprises extracting pulse signals from zero crossings (abstract). Since Kihara et al and Gotal et al are both within the art of deriving timing information from a power line, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kihara et al, so that timing information is derived from zero crossing pulses, as taught by Gotal et al, so as to derive the benefit of improved timing accuracy.

Allowable Subject Matter

9. Claims 17-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach an electricity meter that generates energy consumption data based on power line timing information and an externally generated time signal.

10. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
April 19, 2004

MARC S. HOFF
SUPERVISOR, PATENT PRACTICE
TECHNOLOGY CENTER 2857